IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

CRP.No. 1584 of 1999(F)

TLB.1135/73/Tly of TALUK LAND BOARD, THALASSERY
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REVN. PETITIONERS:
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1. Kunnumbron Vasu,Mechanic, Kadamkunnu Amsom, Mambram Desom.
2. Kunnumbron Sreedharan, Kadamkunnu amsom, Mambram desom.

BY ADV. SRI.R.PARTHASARATHY

RESPONDENTS:
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1. The State of Kerala represented by Chief Secretary to Government, Secretariat, Thiruvananthapuram.

2. The Taluk Land Board, Thalassery.

3. The Tahsildar, Thalassery.

4. K.M.Rohini Amma, W/o. Nettoor Veettil Govindan Nambiar, Chavassery amsom, Uliyil desom.

5. K.M. Damodaran, S/o. N.V. Govindan Nambiar, do.

6. K.M.Kanchana, D/o.Govindan Nambiar, do. do.

7. K.M.Balan, S/o. Govindan Nambiar, do. do.

BY GOVERNMENT PLEADER SHRI.M.R.SABU for R1 to R3
ADV.SRI.SHEJI P.ABRAHAM for R4 to R7

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Antony Dominic, J.

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C.R.P.No.1584 of 1999

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Dated this the 31st day of January, 2007.

ORDER

This revision petition is filed by the assignees of 3 acres of land in R.S.No.67 of Chavassery amsom, Uliyil desom, who got the properties by registered document No.917/85 of SRO, Uliyil. On the strength of the document, they filed an application before the Taluk Land Board, Thalassery under Section 85(8) of the Kerala Land Reforms Act (hereinafter referred to as 'the K.L.R. Act') claiming right over the properties and the application was initially rejected by the Taluk Land Board on 18.8.1988 holding that the transaction is hit by the provisions under the K.L.R. Act and C.R.P.No.380 of 1991 filed against the aforesaid order of the Taluk Land Board was dismissed by this Court on 29.8.1997. Review Petition filed as R.P.No.334 of 1997 was allowed by order dated 30.9.1997. A reading of the order in the Review Petition would show that, among other things, it was contended before this Court that the the petitioners were the bonafide purchasers and that their assignor and the legal representatives possessed sufficient properties which could be surrendered and that

the properties held by the petitioners as assignees should be excluded from surrendering. This aspect was not considered by the Taluk Land Board or by this Court while dismissing C.R.P.No.380 of 1991. The review was allowed and the order of the Taluk Land Board was set aside and the Taluk Land Board was directed to consider the application filed by the petitioners under Section 85(8) of the K.L.R. Act with notice to the legal representatives and take a decision thereon.

2. Following the order passed by this Court in C.R.P.No.380 of 1991 notice was issued to the legal representatives of the declarant and the order impugned was passed by the Taluk Land Board once again negativing the claim of the petitioners. It would appear that the petitioners had produced documents in support of their contention that the legal representatives of the declarant held other properties requiring exclusion of the property held by them. However, the Taluk Land Board has not dealt with those documents or the contention in this behalf and proceeded to decline relief to them once again.

3. A reading of the review order would show that the Taluk Land Board was obliged to consider the above noted contentions raised by the petitioners. But since the Taluk Land Board has not considered the

same, I am inclined to set aside the order of the Taluk Land Board and direct the Taluk Land Board to consider the matter afresh with notice to all the parties.

4. Counsel for the petitioners also wanted to take advantage of the amendment effected by the K.L.R. Amendment Act, 2005. Since I am inclined to remand the matter back to the Taluk Land Board, I am not adverting to the said contention. It is open to the petitioners to take advantage of the provisions of the Amendment Act. The order impugned is set aside and the matter is remanded to the Taluk Land Board for fresh consideration in the light of the findings herein above.

Civil Revision Petition is disposed of as above.

Antony Dominic
Judge.

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